

Senate File 242 - Introduced

SENATE FILE 242
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1010)

(COMPANION TO HF 231 BY
COMMITTEE ON JUDICIARY)

A BILL FOR

- 1 An Act relating to a special sentence for sexual abuse
- 2 committed during a burglary.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 903B.1, Code 2021, is amended to read as
2 follows:

3 **903B.1 Special sentence — class “B” or class “C” felonies.**

4 A person convicted of a class “C” felony or greater offense
5 under [chapter 709](#), a class “B” felony under section 713.3,
6 subsection 1, paragraph “d”, or a class “C” felony under
7 section 728.12, shall also be sentenced, in addition to
8 any other punishment provided by law, to a special sentence
9 committing the person into the custody of the director of the
10 Iowa department of corrections for the rest of the person’s
11 life, with eligibility for parole as provided in chapter
12 906. The board of parole shall determine whether the person
13 should be released on parole or placed in a work release
14 program. The special sentence imposed under [this section](#) shall
15 commence upon completion of the sentence imposed under any
16 applicable criminal sentencing provisions for the underlying
17 criminal offense and the person shall begin the sentence under
18 supervision as if on parole or work release. The person shall
19 be placed on the corrections continuum in [chapter 901B](#), and
20 the terms and conditions of the special sentence, including
21 violations, shall be subject to the same set of procedures set
22 out in [chapters 901B, 905, 906, and chapter 908](#), and rules
23 adopted under those chapters for persons on parole or work
24 release. The revocation of release shall not be for a period
25 greater than two years upon any first revocation, and five
26 years upon any second or subsequent revocation. A special
27 sentence shall be considered a category “A” sentence for
28 purposes of calculating earned time under [section 903A.2](#).

29

EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation’s substance by the members of the general assembly.

32 This bill relates to a special sentence for sexual abuse
33 committed during a burglary.

34 The bill provides that a person convicted of sexual abuse
35 committed during a burglary, a class “B” felony under Code

1 section 713.3(1)(d), shall also be sentenced, in addition to
2 any other punishment provided by law, to a special sentence
3 committing the person into the custody of the director of the
4 Iowa department of corrections for the rest of the person's
5 life, with eligibility for parole as provided in Code chapter
6 906. Code section 713.3(1)(d) provides that a person commits
7 burglary in the first degree if, while perpetrating a burglary
8 in or upon an occupied structure in which one or more persons
9 are present, the person performs or participates in a sex act
10 with any person which would constitute sexual abuse under Code
11 section 709.1.

12 Sexual abuse committed during a burglary is an "aggravated
13 offense" under Code section 692A.101(1)(a)(6). Sexual abuse
14 committed during a burglary is classified as a tier III sex
15 offense under Code section 692A.102(1)(c)(17), and a person
16 convicted is required to register as a sex offender. Under
17 Code section 692A.106(2), a sex offender who has been sentenced
18 to a special sentence under Code section 903B.1 shall be
19 required to register for a period equal to the term of the
20 special sentence.